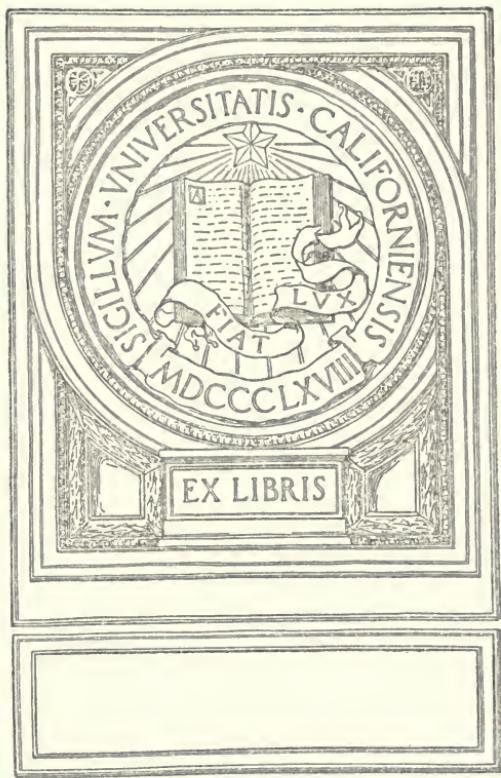


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THE CONSTITUTION OF THE
CONFEDERATE STATES,
MONTGOMERY 1861.

ADDRESS

— BY —

Gen'l Bradley T. Johnson,

DELIVERED JUNE 10, 1891.

— AT THE —

DEDICATION

— OF THE —

CONFEDERATE MONUMENT

— AT —

FREDERICKSBURG, VA.

PRINTED BY ORDER OF
THE SOCIETY OF THE
ARMY AND NAVY OF THE CONFEDERATE STATES,
IN THE STATE OF MARYLAND.

PRESS OF
WILSON H. MULES & CO.,
105 ST. PAUL STREET.
BALTIMORE, MD.
1891.

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The Confederate Soldier.
ADDRESS BY
GEN. BRADLEY T. JOHNSON,
DELIVERED JUNE 10, 1891.

AT THE DEDICATION OF THE CONFEDERATE MONUMENT
AT FREDERICKSBURG, VA.

Fellow Confederates, men and women: For the last twenty years I have been observing with growing wonder, the phenomenon of feeling, toward the actors on the Confederate side, in the war between the States.

When Appomattox temporarily terminated the struggle for liberty and self government, which our race has been making with heart and brain and muscle, in discussion and in battle, from the days of Alfred to the present, it seemed as if Rebellion crushed, and Loyalty triumphant, could only result in odium, to the unsuccessful side. I never agreed with that estimate of the situation, for I believed, if the Confederate people were true to their ideals of honor and fidelity, their glorious achievements would be certain of appreciation by the generations to come, and I believed they would be true.

But I did not anticipate what has occurred. Never in my most highly colored dreams, did I see a hope of such speedy realization of our aspirations.

It is a fact and a wonderful fact that the pathos, the sentiment, the romance of the war between the States is concentrated around, crystallized about, and emanates from the cause of the Confederacy.

In the North to-day no name stirs human hearts like that of LEE, no fame electrifies the people like STONEWALL, no flag flashes, no sabre glitters, like that of STUART. Neither GRANT, nor SHERMAN, nor SHERIDAN, the great and successful soldiers of the victorious side, have left such an impression on the imagination or the hearts of the people, as have the leaders of the Confederates, who died in battle or yielded to overwhelming force, where further resistance would have been criminal.

I do not mean to intimate, for I do not believe, that the North has changed its opinion as to the wisdom of our course. They thought then and they think now, it was foolish to attempt to break up a Union, because first

it was so profitable, and second because it was impossible before overwhelming forces, for us to succeed.

But I do mean to say that the idea is dimly pressing itself upon the Northern mind, that we tried to avoid war, did not want war, but that war was brought on, waged and continued for the purpose of keeping a faction in power, and enabling the controllers of the faction to make a profit out of it.

It was not a patriotic war to preserve the Union, but a contractors' war to secure the men in power, permanent control in Government. Pensions and Bounties are the degrading consequences of the mercenary motives which brought it on. It was a war of aggression, of conquest, and of plunder, on the one side, and a war of defence of home, of family, and of liberty, on the other.

And victory has been the source of unutterable evils to them, while defeat has developed enormous good in character and in conduct, with us. Discussing this interesting relation of the Confederate cause to Northern sentiment, the other day with a Northern man, he said, "you know all men are willing to throw flowers over the corpse," "yes," said I "but over the corpse of the good, the pure, not the corpse of the vile and the low."

Men will not do honor to that which they despise. The reason why the Confederates are respected, as I understand it, is that honorable and high minded men and women respect those who possess the same qualities, and as the high ideals and noble conduct of the Confederates is more and more understood, they will attract the admiration, the love and the respect of all noble people.

I yield to no one in my estimation of the genius, the courage and the valor of the great Confederate Soldiers, the greatest the English race has ever produced.

England has brought forth Marlboro and Wellington, Lawrence and Wolseley, at different times, and during different epochs, but there never has been an hour, a day, a year, from Hastings to Tel-El-Kebir, when she could show at the same time, such a roll of illustrious Soldiers as Lee, Johnston, Beauregard, Jackson, Stuart, Albert Sidney Johnston, Hampton, Wheeler and Fitz Lee.

But above all, in the solid attributes that make manly character and enoble the people, do I place the private Confederate Soldier, the man who carried the Musket or the Sabre or the Rammer for four years, without pay, half clad, not half fed, with no hope, or desire for promotion or fame, but

compelled and directed by the sole and simple conviction of duty. Just think of that, try to take it in, and appreciate it.

This simple country boy, sent off by his mother and she a Widow, with a new suit of home made clothes, not a penny in his pocket, puts himself in the first Company that leaves for Manassas Junction.

In cold and in wet, in rain and in darkness, half frozen and half starved, in battle and on the march, he does his duty. Night after night for months on the Picket line, ease and comfort and pay are within ten minutes walk. A prisoner at Camp Chase or Elmira, or Point Lookout, utterly without hope of exchange, with the distinct alternative of taking the oath, or dying of starvation in prison, he determines, for he never debated it, to die thus, rather than disgrace himself, his people and his State.

How many cases have you and I known like this; how many men formed, moulded and hammered by adversity, until they become the models of a higher social standard, and the perpetuators of a higher moral code?

These are the men, who coming home after the surrender, were invincible to misfortune and superior to circumstances.

They were masters of fate, and the spirit that kept the man firm on the picket line at Petersburg, and amidst the ice and snow of Camp Chase, upheld him to restore his ruined home and his blasted fortunes.

Through all trials he had maintained his own self respect, and his love of honor and truth, his belief that comfort and ease were purchased at too high a price, when bought by an exchange for those. Therefore, during the struggle with want, more trying than the defence of Marye's Heights, he stood and has never yielded his fidelity to the principles for which he fought. The days of the Reconstruction were more trying than the strain of War. Ease, comfort, plenty, and relief from care, were freely offered the Confederates, if they would deny their cause and take sides with its adversaries.

Our men were reduced to manual labor to make bread.

Our women, whose mothers and grandmothers had decorated the most brilliant courts of modern Empire, and formed the highest social organization of America, whose ancestors had founded Virginia and framed the Union, were forced to the menial duties of the kitchen and the laundry, for husband and children.

A man can face death with joy, he can endure hunger and cold without flinching, but to see the tender hand that has been given him by sweet girlhood, toughened by menial toil, the delicate form upon which the

winds of heaven were wont not to blow harshly, and which he swore to cherish and protect, bent by daily labor, this sight I say, tried the nerves and tested the heart, ten thousand times more than the guns at Malvern or the artillery at Gettysburg. But the women never flinched during that ordeal of temptation and of suffering, of fidelity and of fortitude. They encouraged their fathers, husbands and lovers. By them, and through them, the men were kept firm and straight.

Occasionally one of them has picked up a handsome, dashing and gallant Yankee Officer. The temptation to get even, was too strong for even a Confederate woman, but she has ever since held his misfortune at having been a Yankee, over his head, and has made a better man and a better soldier of him every time.

By race characteristics and geographical environment, the civilization of the North and South had development on different lines.

The North, invigorated by a constant struggle with the forces of nature, had naturally adopted the philosophy of materialism and come to believe that the highest duty of man was to accumulate power, and as money in our modern civilization had come to be a source of all material power, the pursuit of wealth had got to be considered the highest aim of human effort. Embracing with enthusiasm the philosophy of Adam Smith, that every man should be for himself and that the devil would, could and should take the hindmost, supreme selfishness had become the all-pervading sentiment and directing force of that society.

The South, with a more generous climate, had developed a more sentimental society. In a sparsely settled country, the ties of blood retained their hold. Husband and wife, parent and child, all the ramified relations of kinship, kept their binding force. Devotion to veracity and honor in man, chastity and fidelity in woman, were the ideals which formed character. The forms and sentiments of Southern Society were the primitive forms and sentiments of the older civilization.

They belonged to that state of development which the modern social philosophers call Militarism.

The principles and organizations of the North belong to that later development known as Industrialism.

The social organization of the South was founded on the protection of the weak by the strong, of the simple by the wise, of the poor by the rich. It held on to that form of co-operative labor, which had existed before history began, whereby the strong, the wise and the rich had controll-

ed and directed the labor of the weak, the simple and the poor, which provided for them in infancy and in old age, which secured them a comfortable and happy subsistence out of the proceeds of their own labor.

We have the record of four thousand years of civilization, formed and developed on this system of protection, and co-operative labor.

Assyria, Egypt, Greece, Rome and modern Europe had all been formed on this organization of labor. The Industrial system, whereby the wise and the strong, the rich and the powerful, make all the rest work for them, while they allot them such portion of the proceeds of their labor as they think proper and call it wages, which casts them aside when their force is expended and leaves them to die in Poor Houses, and rot in Tenement Houses, has had an experience of scarce one hundred years and the whole of Christendom is undermined with Nihilism, Anarchism, and honey combed with Social discontent.

No man can foretell the hour when the volcano will burst in Europe and overwhelm Church and State, Czar and President, in one common ruin. In the North, where the industrial system has had its freest and fullest development, organized labor, and agricultural discontent, are the all pervading symptoms of social disorder, and the precursor of political ruin. It is certain that the present condition is only temporary. When all the property and means of living are more and more accumulating in a few hands, and the political power is possessed by the many, it takes no prophet to foretell that some other arrangement must be made.

The resistance made by the South was not merely an attempt to preserve political institutions, but to perpetuate a social organization inherited through a thousand generations—the sanctity of marriage, the inviolability of the family, the faith in truth, honor, virtue, the protection of home. Historically the position of the South was impregnable.

The States constituting the Union had rebelled against George III. They had fought through the war of that rebellion as States. Maryland did not join the confederation until March 1, 1781, and Virginia had declared her independence long before the confederated States had declared themselves “free, and independent States.” The treaties with France and the foreign powers during the war, had been made with the States by name. The treaty acknowledging their independence had recognized each State, by name.

The Constitution was formed by States, each having an equal vote. It was adopted and put in operation by States. Rhode Island and North

Carolina refused to consent to it, and remained out of the Union for two years, as independent States.

If any historical fact ever has been established, or ever can be settled, it is that the Union was formed of equal, independent, sovereign States, by the act of those States themselves.

This being so, the whole course of English history shows that our ancestors have invariably, at all times, redressed wrongs and reformed abuses in government by armed resistance to illegal power when necessary. It had long been an axiom of our race that "resistance to tyrants is obedience to God." Our ancestors had rebelled against King John, and wrung from him the great charter; they had rebelled against Charles I. when he attempted to govern them without a Parliament of their own representatives; they rebelled against the Commonwealth when it attempted to rule them contrary to ancient institutions of the realm; they rebelled against James II. when he was suspected of intending to overthrow their laws; they rebelled against George III. when he tried to deprive them of the rights of their ancestors—never to be taxed except by their own consent. The right of rebellion, then, was one of the inherited and inalienable rights of a free-born race.

When, therefore, the election of 1860 gave notice that the North proposed to force the struggle against all of our institutions with all the power of all the States; thirteen of those States, exercising the right of self-defence—of resistance to wrong—acting as States, took up arms for the protection of their institutions, secured by the struggles of their ancestors with so much blood as so many battlefields.

I do not care to argue the question of the right of secession. I justify the action of the Southern States on the higher ground of the right of self-defence, which can never be surrendered nor bartered by any man or any people. But it seems too clear for demonstration that if they came into the Union as States, they had the right to leave it as States. Rebellion has no terrors for us. Our ancestors have been rebels, time and time again, for a thousand years. George Washington was a rebel; John Hampden was a rebel; Algernon Sydney was a rebel; Kosciusko was a rebel; William Tell was a rebel.

Every brave man, who at any time, anywhere, has resisted tyranny and given his life for liberty, has been a rebel. It is the decoration which tyrannical power always bestows on virtue and manhood, and liberty will have fled from earth, and the rights of man will have become a by-word, when the sacred and inalienable right of resistance to wrong shall have no manhood to enforce it.

The secession of the thirteen was no cause for war; nor was there any other necessity for it. The confederation was formed to create a "perpetual Union." When it was found inefficient, nine States seceded and formed the Union under the Constitution of 1787, leaving Rhode Island and North Carolina, who refused to secede, alone to constitute the "perpetual Union" of 1777. Instead of remaining in the "perpetual Union" and waging war on the seceding States they wisely united themselves with the "more perfect Union," and accepted the amended Constitution, which experience had proved was necessary, in the altered conditions and changed relations of States and of society. The thirteen, in 1861, following the precedent, took the Constitution of 1787, and so amended it as to make its doubtful language plain, and to prevent a recurrence of the abuses of power which experience had shown were without remedy under the original instrument of 1787.

In no one essential was that compact altered except to make it plain that it was a compact between sovereign States. The power of the Confederate government was more clearly defined, so that hereafter neither sections, nor States, nor classes, could prostitute the power of government to the aggrandisement of themselves and to the detriment of others. It was only altered so that the liberty of the citizen, should be more securely protected for all time. And I assert now, that if liberty and human rights are to be perpetuated on this continent, if the fundamental principle of Americanism—that every man shall have an equal and a fair opportunity in life—is to be preserved, the Constitution of the United States must be altered and amended on the lines and principles laid down in the Constitution of the Confederate States, adopted at Montgomery. It is as great an improvement on the Constitution of the United States as that was on the Articles of Confederation. This is no place for an examination into its provisions. Suffice it to say, that a study of it will show, that it is the most complete embodiment of the principles and philosophy of Thomas Jefferson that has ever been framed. And experience will prove more and more, as the generations pass, that it was a crime and a blunder that it was not adopted by all the States, as it would have been, had not the faction controlling the government of the United States brought on, and waged the war, to prevent its adoption, to perpetuate themselves in power, and to make profit out of the contest by arms. And it will be understood more and more, that the conquest of the Confederacy was a misfortune to humanity and a blow to the cause of liberty regulated by law.

The reform attempted by the Confederates, whereby they sought to amend and improve the Constitution of 1787, so as to perpetuate liberty

and secure the right of every man to labor, to home and to happiness, failed, and the revolution, inaugurated by Mr. Lincoln and his adherents, succeeded. The Confederate reform sought to secure the rights of all sections, States, classes and individuals, by constitutional guarantees. The Federal revolution sought to concentrate all political power in the government.

They have succeeded, having overthrown a Constitution with limitations and guarantees, and instituted one of absolute power, controlled ostensibly by popular will, but in fact directed by a heartless plutocracy for its own benefit. They have fixed the precedent that all property depends on force and not on justice and right, for they have destroyed five thousand million dollars worth of property on the pretense that it was injurious to permit it to exist. They have fixed the precedent that the Constitution of 1787 can be altered by force, for they compelled its amendment by the bayonet. They have settled the precedent that the decisions of the Supreme Court must register their decrees and be reversed on their demand, for they compelled the Court to reverse their Legal Tender decision, and they packed that Court so as to make it conform to its wishes.

And when in the future all corporate property becomes more obnoxious than it is now, and the government of the Union takes possession of all the railroads, telegraphs, mines and manufacturing establishments, and pays for them with Legal Tender money, made out of wood pulp, and turned out by ten thousand printing presses, then the very people who have brought all this on themselves will cry aloud for the constitutional liberty for which the Confederates fought and died. Or when the Congress, on demand of the industrial interests, shall decree that twelve hours shall be a day's work and that fifty cents a day in shinplasters shall be legal pay for the legal day, then the great mass of the people, who always must earn their daily bread by their daily toil, will understand that the Confederate theory, that government has no right to interfere with the industry of the citizen, and that every man should have an equal opportunity for happiness, is the only one which secures liberty to people and security to home. And when New England is represented in the Senate of the United States by two Senators instead of twelve, on the demand of the great States of California, Texas, Chihuahua and Nicaragua, then she will understand that a constitution ought to be a shield and not a sword.

When the Colonies rebelled in 1775, William Pitt thanked God that the English beyond the sea had the manhood to resist usurpation of power, and it is the opinion to-day of leading historians, that the failure of the Colonies would have resulted in the overthrow of the liberties of England,

which would only have been re-established, if ever, after untold suffering and blood. I say here, now, that the failure of the Confederacy was the overthrow of limited government and was a misfortune to the great mass of the people, the workingmen and women of the whole country, and that, if their condition is ever to be ameliorated, it will be by the application of the principles of the Confederates, that every one shall have a full, fair and equal opportunity for happiness in life, and that government has no right to interfere with his liberty of thought, of action, of labor, or of exchange. The future will show, that it would have been wiser to have adopted the Reformed Constitution of Montgomery than to have established the Revolutionary government at Washington; for the Reformed Union with discordant elements excluded and new guarantees for liberty adopted, would have been stronger, more secure and better, than the one created by the Revolution, by Reconstruction, Force and Fraud.

This struggle of the Confederates, men and women, for a generation, against Poverty, Defeat and Despair, in defence of Family, of Home and of Country, of Civilization, of Honor and of Right, has created a character as permanent, and one as forcible as history has recorded. The struggle of the New England man with the forces of nature, and the wilderness, has made him self-reliant and true. The effort of the Southerner against the Savage, his endurance against his climate, has made him truthful, brave and generous, but the heroic endurance of our men and women, for this generation, against force and power, against suffering and ease, has impressed qualities on the race that at all times, everywhere, make themselves felt. The men who held Marye's Heights can withstand every temptation to do wrong. The men who charged McClellan at Cold Harbor can undertake any enterprise where courage tells. Where anything, be it power, or money, or honor, or happiness, is attainable, men will strive for it, and in every struggle in life, whether for control of men or of means, courage, fortitude, intelligence, fidelity, will prevail.

It is amusing to hear the surprise constantly manifested by Northern visitors at the development and progress of the South, and more amusing, to hear it so complacently attributed to Northern energy and enterprise. They are wrong, and they are right. They are wrong, for it is Southern brains and muscle, energy and enterprise, which is building up the South. They are right because they themselves created, developed and made necessary the qualities in the South which are accomplishing these results. Their war, their Reconstruction, their effort to subvert society, and put the bottom rail on top, have welded us into a solid mass, and aroused energies

unknown, that will beat them, in the struggle for material development, and ideas that will govern this Republic as long as it lasts.

But we are in greater danger now than we ever were from McClellan, or Hooker, Pope or Grant.

Material development is progressing with constantly accelerating force. Wealth is accumulating. Booms, plutocracy, worship of money, are all impressing the doctrine that the end justifies the means, and that success is the highest duty, and our danger is, that the very civilization of industrialism, which we spent so much blood, and so many lives to resist, may at last overwhelm the institutions of our ancestors, and the principles which we have inherited.

But I have no fear. Institutions are stronger than constitutions, race instincts and the law of heredity prevail over social and political revolutions. The institution of the Confederates—Respect for Honor and Veracity, in Man, Love and Purity in Woman—are more deeply planted to-day than they have ever been. They withstand the strain of wealth and luxury, self-indulgence and selfishness, longer than any other society. Whether they can always survive the progress of the civilization of industrialism no man can foresee; but this civilization may itself be crushed out and overthrown, as those which have preceded it have been. The societies organized on the ideas of Brahma and of the Pharaohs have long since disintegrated and no one can believe that the present condition is permanent.

There must be some new arrangement by which the man who labors will be secured a larger and fairer share of the products of his labor. And the principles of the Confederates, that no section nor class is entitled to appropriate the fruits of the labor of other sections, or classes, without compensation, that every man of right, ought to have secured to him by law, an equal and fair opportunity for the enjoyment of happiness, may be the foundation upon which a new civilization will arise, nobler and wider and broader and deeper than any the world has ever seen.

Belief in Honor, Justice, Right and Truth. For this faith we fought. Our brothers died for it, we have stood fast by it, and by it we will be preserved from the trials and temptations that are to come.

Sometime ago the War Lord of Germany startled the world with an epigram "We Germans fear God and nothing else in this world." But we can say with perfect simplicity and earnestness "We Confederates, men and woman, love God and fear nothing in this world, nor the next, in the past, nor in the future, for the past we have made glorious, the future we will render illustrious. This world, the indomitable soul will conquer—the inexhaustible love will save."

THE CAUSE OF THE CONFEDERATE STATES.

ADDRESS

— BY —

Gen'l Bradley T. Johnson,

DELIVERED BEFORE

The Society of the Army and Navy of the
Confederate States, in the State of Maryland,

— AND —

THE ASSOCIATION OF THE MARYLAND LINE,

— AT —

MARYLAND HALL,

BALTIMORE, MD.

November 16th, 1886.

THE CAUSE OF THE CONFEDERATE STATES.

ADDRESS

DELIVERED BY

GEN'L BRADLEY T. JOHNSON,

AT

MARYLAND HALL. BALTIMORE.

NOVEMBER 16, 1886.

A well-attended meeting of the Society of the Army and Navy of the Confederate States in Maryland, and of the Association of the Maryland Line, was held on Tuesday evening, November 16, 1886, at Maryland Hall, corner of Mulberry and Cathedral streets, to make arrangements for participating in the Dedication of the Monument to the Second Maryland Infantry at Gettysburg, November 19. Gen'l Bradley T. Johnson presided.

After the completion of the final arrangements for the visit to Gettysburg, Gen'l Johnson left the chair, and addressed the meeting as follows :

We are often asked by persons quite friendly to us why we persist in maintaining these Confederate Societies, and why we every year make public demonstrations of our respect for the "Lost Cause" and our affection for our dead comrades and attachment to our living ones. I have been asked, "Why not let the dead Confederacy rest in peace? It is dead; it cannot be revived, and you are guilty of an anachronism when you seek to put life into the corpse." My answer is, the cause of the Confederate States was the cause of civil liberty, under constitutional forms, on this continent. Those who supported it in arms acted up to the best lights they had, and maintained their faith and belief at the risk of life and fortune. That cause never will be a "lost cause;" for as long as free-men all over the world love liberty they will struggle for it, and if need be fight for it; and they will respect the people who dared, at such great cost, to stand in defense of it against overwhelming odds and irresistible force. By the conventions of Appomattox and Durham Station we agreed to "return to our homes and obey the laws in force there," but by these

military treaties it was expressly agreed that we should retain our swords, and without that stipulation no surrender would have been made by either Lee or Johnston. The sword was the insignium of the soldier—the emblem of our right and the outward mark of the respect which we had won. It indicated our reserved right of self-defence, of our honor, of our property and our institutions.

The parole was the certificate given by the conquerors, to the conquered, of honorable service, in honorable war.

As soon as peace returned, the first question that met us, was as to what was to be our position, in the future development of the country.

Were we to live as unconvicted rebels, and go down to dishonored graves, as felons who had vainly attempted to destroy the Union, the sole sanctuary and safeguard of liberty to mankind, and were we to transmit to our posterity the tainted blood of unhung traitors, and our children bearing the burden of names, branded with ignominy and crime? Or were we to be considered honorable soldiers of a war illustrated by the greatest gallantry, the highest chivalry, the brightest genius that the English-speaking race have ever exhibited?

Were we to be regarded by our contemporaries—the gallant soldiers of the successful side—as their equals in patriotism and purity of motive, and by succeeding generations as worthy of places beside the armies of the Union? These were not merely sentimental questions. They were pressing and vital ones, upon the answer to which our future welfare and happiness largely depended.

As outcasts we would rapidly degenerate into the outlaws of the community, and would be thrust aside as unworthy of respect, and debarred an equal opportunity of earning the support of ourselves and those dear to us. As respected citizens of the State and the Union we would live happily among our people, would receive proofs of their confidence and esteem, and leave to our children the priceless heritage of honored fame and name. To Marylanders these questions were more vital than to those who had their own State organizations to justify them. We had no defense, except the law of war, as defined by and practiced under the law of nations. And it was of overwhelming necessity to us that our position should be ascertained to be that of soldiers, and not of rebels and traitors.

The question came home to me personally in a very pressing way. I was under indictment in the Federal and State courts for treason in committing acts of war in the Sharpsburg and Gettysburg campaigns. I knew perfectly well what the law was. The only doubt was, as to how far

the courts of the successful side would give the unsuccessful side the benefit of it. Rebellion is insurrection against lawful government, which is unlawful in itself, in which every one who assists, aids or abets it is equally guilty, and personally responsible to the law for his crime, and which has no legal status, and can have none, for it is against all law. After it is suppressed, there only remain the criminal trial and the punishment. War is a status between nations, countries or parties. As soon as it occurs, it changes at once the relation of every person subject to either party: each one becomes bound to obey his own country, and ceases to be personally responsible for actions committed by command of its authority, civil or military. All the people on one side become legally enemies to all those on the other side, and no connection or communication is lawful between them, unless by permission of their respective authorities. All business ceases, all compacts are dissolved between them, and they are as if they existed on separate planets. Therefore, if the war between the States should be determined to have been rebellion, every citizen of the Confederate States who had aided it would have been guilty of treason, and liable to the law for his actions.

All official acts done by civil officers of the Confederate government, or of the States, judgments of courts, protests of commercial paper, probate of wills—every act necessary in civilized society to be done by officials—would have been void, and everything would have been in chaos. But if that war was held to be interstate war, with all the legal consequences of public war, then there was no treason and no penalty for it—no personal responsibility for acts of lawful war. All the transactions of the governments, City, County and State, would be recognized and affirmed, and society would go on undisturbed in the status of peace, which would ensue upon the cessation of war.

I prepared and delivered the first argument, I believe, which was delivered anywhere, at the October term, 1868, before the Court of Appeals of Maryland, to establish the position that the contest had been war and not rebellion, and had produced the legal consequences that result from war, and that, therefore, we had not been rebels nor traitors, and could not, under the law, be held responsible as such. The same views were afterwards pressed upon the Chief Justice of the Supreme Court of the United States in the proceedings against ex-President Davis by Charles O'Conor, and Mr. Davis was never tried.

Nor was any man ever tried, anywhere in any Federal court, for treason. The law of the United States, as declared by the executive and judicial departments for eighty years, had settled the fact that resistance by any

great body of people, controlling a large territory, for a considerable time against the government which they were endeavoring to throw off, was war and not rebellion, and must be treated as war, with all the legal consequences of war. As O'Conor said, "Washington might have failed, Kosciusko did fail," but neither of them could have been treated under the civilized code of nations as traitors. The revolutions of the South American republics and of Greece were so treated by the federal government. Mr. Webster, in his Bunker Hill oration in 1825, had declared that the battle of Bunker Hill marked the dividing line between rebellion and civil war, between treason and war.

"It created," he said, "at once a state of open public war. There could no longer be a question of proceeding against individuals as guilty of treason or rebellion." So Mr. Charles Francis Adams, the American minister to England, in June, 1861, wrote to his government that the recognition by the European powers of belligerent rights in the Confederate States relieved the government of the United States of responsibility for any misdeeds of the Confederates towards foreign persons or property. As soon as hostilities began England and France recognized the Confederate States as entitled to rights of belligerents in lawful war. The Union Government permitted flags of truce and exchange of prisoners, and for four years the status of war was self-evident and admitted by all the world. As soon as the war began the United States claimed and exercised the right of blockade, which, as it affects foreign nations, can only be exercised in a war. As soon as peace was restored the civil courts in the Union were forced by the inexorable logic of history, of law and of justice, to decide everywhere, all sorts of questions in all sorts of cases that the war was a civil war, with all the legal consequences of public war.

The Supreme Court of Maine led off in deciding in an insurance suit between citizens of Maine that a capture by the "Sumter" was a capture in war, and that Semmes's flag was a lawful flag and not a piratical one. The Supreme Court of the United States also held in a suit against a Massachusetts insurance company that the Confederate flag was a lawful one, and a Confederate capture on the high seas a capture in war.

The Federal courts everywhere have established the same proposition.

The Supreme Court in numberless cases has held that the war was a civil war, with all the consequences of public war. A New Hampshire man sued an Arkansas man, who pleaded the statute of limitation to a debt created before the war. The court held that the war stopped the running of the statute.

A New York man was sued on liabilities created during the war by a

partnership of which he was a member in Mobile. The court held that the war dissolved the partnership. In another case it has decided that a corporation chartered by the Confederate State of Alabama continued to exist after Alabama returned to the Union, and it exists now. Numerous attempts have been made to hold Confederate soldiers civilly liable for damages for trespass committed during war, but the Federal courts and the Supreme Court have held that no such liability was incurred.

As a matter of historical fact, and of legal truth, First Manassas destroyed whatever possibility there ever was of the war being treated as rebellion by the successful side, or of our ever being considered as traitors.

As soon as the struggle in arms for independence ended, this struggle of logic and reason for our recognition as honorable soldiers began, and we have established our position before the world and to the end of time.

We are faithful citizens of the Union and supporters of the constitution, and we are so because we are recognized as equal citizens, with equal rights to respect and recognition.

We are making the South to blossom as the rose, and her increase in power, population and wealth in the future will be simply incredible.

The census of 1900 will see Texas outvoting New York, and Alabama passing Pennsylvania in power. When people have lost everything save honor, as we had done in 1865, our first duty became to preserve that untarnished. The Union had power, wealth, art, poetry, the press, the histories and the school books to impress their story upon future generations. We had naught but our own invincible courage and endurance and self-respect, and we have never wavered in the assertion of our right to be respected. While for years the successful side were offering high rewards for those who would leave us, not five Confederate soldiers of renown have deserted. While for twenty years any men of reputation in the South who would join them would have received high place under the Federal government, we have not had ten renegades.

Even here in Maryland, where the Confederate soldier has not always been recognized as he should be, not ten can be found who have proven recreant to their comrades and their faith.

It seemed to some of us that the preservation of the morale, the self-respect of our people, was of vital necessity for their recovery. If they were allowed to sink into the condition of conquered vassals, they would soon in reality degenerate into serfs. It was necessary that some organized efforts be made to preserve them from the moral consequences of conquest.

Accordingly in the spring of 1870 I prepared the plan for the Associa-

tion of the Army of Northern Virginia, which plan was that a division should be organized in every State, and Gen'l Lee was asked to become its first President. He did not think the time auspicious for such an organization, and it was dropped.

At the great memorial meeting in Richmond, in October, 1870, presided over by ex-President Davis, when many great soldiers of the Confederacy was present, the Association was formed. This Society was then organized as the Maryland Division of the Army of Northern Virginia.

Other similar Societies arose all over the South, and I believe they have performed a large and noble part in keeping up the spirit of our people. It was the spirit kept alive by these Societies and the organization and membership of the Societies themselves which rescued Louisiana and South Carolina and Georgia, and which has just restored Virginia to the control of her own people.

I come now to answer more definitely the inquiry with which I started—
Why do we continue these public exhibitions and demonstrations?

I answer, in order to show that we have the power and the will to protect ourselves and our comrades.

The annual orations and banquets at which we meet are not meant solely to make a display or to gratify a sentiment. They have been intended to keep, and they have succeeded in keeping, alive that heartfelt sympathy which Maryland felt so deeply for us, and they resulted in the Bazar and \$31,000 as an endowment to take care of our people.

This fund is not sufficient. We have now so many on our pension list that our fund is absorbed before adequately supplying their necessities.

As time goes on we have more needy and broken-down comrades. Some of them are already in the poorhouse. Many are on the way there. Since 1865 we have been treated with chivalric courtesy and kindness by Union soldiers, and I have never heard of one of them acting towards our comrades otherwise than most generously. We have consistently voted pensions for them, for honorable soldiers deserve pensions. We cannot reasonably expect pensions for ourselves from the Federal government, but it must commend itself to the sense of justice of honorable men that, while we contribute hundreds of millions to Union pensioners, our own loved comrades shall not be allowed to die the death of paupers and be buried in paupers' graves.

Our men here in Maryland are honest; they are sober, industrious and trustworthy. Of the 1,500 men of the Maryland Line who were at Hanover Junction with me in the winter of 1863-64, I cannot count ten that are worthless or broken-down by dissipation or laziness. They are

competent to fill many humble places in City, County, State and Federal governments. There seems to be a disposition to ignore them, to treat them as poor relatives, to keep them out of sight as a disgrace to the family. I do not ask that they be given places beyond their abilities, but I do insist that men who have proved their fidelity by dedicating their lives to defense of their faith shall be taken care of, and not allowed to die in the poorhouse.

I will not stand it, and as long as I have strength, I will appeal to the noble and generous of Maryland, and largely to the Union soldiers—for four years our enemies, for twenty years our friends—against this injustice, this ignoble, cowardly feeling that impels people to disregard us because we are poor.

We can show that we have power; and power always compels respect. For their exhibition of power I thank Company C. They compelled the restoration of Knox to his place.

I hope, therefore, that our demonstration for Friday to Gettysburg will be impressive from its size and earnestness. I have no sympathy with any attempt to revive the issues or rekindle the passions of the civil war. He has a bad heart and is a bad citizen in Maryland who would do so. I accord to the Union men of Maryland the highest patriotism and the noblest courage in defense of their opinions. I claim for my own people equality in every respect with them, and insist upon equal recognition and respect.

I reprobate all recrimination and recalling of the bitter words and harsh actions of the war. War is a rough business, and deals in rough ways. All its bitter memories ought to be buried, and only those noble deeds remembered which are a credit to manhood.

I claim a share in the reputation won by Kenly, Phelps, Horn, and every Maryland soldier on every stricken field, and I will everywhere and at all times guard their honor as my own.

Let every laurel won by either side be the common right of all Marylanders, and future generations will recall with pride the achievements of the Maryland Brigade of the Army of the Potomac in the Wilderness and before Petersburg, and the combat of the First Regiment with the Buck-tails, and its manual of arms before the batteries of Gaines Mills, and the desperate charge of the Second Regiment, the "gallant battalion" at Cold Harbor and at Gettysburg; the fight at Cedar Mountain, where the First Artillery charged and drove back a line of battle, the only case on record of such a feat of arms; the reckless gallantry by which the Maryland Line saved Richmond from Kilpatrick and Dahlgren's sack; and let them take

equal pride and do equal honor to the memory of their ancestors who fought under McClellan and Grant, Hancock and Buford, or who followed Jackson and Ashby, and charged under Lee and Stuart. Let this be the common heritage of glory of our posterity to the remotest time, as long as honor is revered, chivalry is cherished, courage is respected among the descendants of the founders of free thought in all the world. The heart of the poet already feels the inspiration of noble deeds, and one of the tenderest singers of our time, himself a Union soldier of repute, has even now embalmed the memory of Stonewall Jackson in immortal verse:

“And oft when white-haired grandsires tell
 Of bloody struggles past and gone:
The children at their knees will hear
 How Jackson led his columns on.”

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